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Appln. No. 10/S21,403  
Amendment dated March 27, 2007  
Reply to Office Action of November 27, 2006

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The November 27, 2006 Office Action and the Examiner's comments have been carefully considered. In response, claims are amended and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

ABSTRACT OF THE DISCLOSURE

In the Office Action, the Examiner objects to the Abstract of the Disclosure as containing foreign language, not being limited to 150 words, and not being a single paragraph on a single sheet. In response, the Abstract of the Disclosure is amended to more clearly comply with the requirements of MPEP Section 608.01(b). A clean copy of the amended Abstract of the Disclosure is also provided.

In view of the amendment of the Abstract of the Disclosure, reconsideration and withdrawal of the objection to the Abstract of the Disclosure are respectfully requested.

Appln. No. 10/521,403  
Amendment dated March 27, 2007  
Reply to Office Action of November 27, 2006

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CLAIM OBJECTIONS

In the Office Action claim 10 is objected to because of certain informalities. In response, claim 10 is amended in a sincere effort to overcome the Examiner's objection.

In view of the amendment of claim 10, reconsideration and withdrawal of the objection to claim 10 are respectfully requested.

PRIOR ART REJECTIONS

In the Office Action claims 1-3, 5 and 11 are rejected under 35 USC 102(b) as being anticipated by USP 4,017,758 (Almer et al.). Claims 4, 6-9, and 12 are rejected under 35 USC 103(a) as being unpatentable over Almer et al., and further in view of USP 3,219,868 (Mason et al.). Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Almer et al. in view of USP 5,146,134 (Stadler et al.).

In response, claim 1 is amended to more clearly define the present claimed invention over the cited references.

According to the present claimed invention as defined by amended claim 1, the electric incandescent lamp includes a filament having a filament section disposed outside the lamp vessel axis. The filament section is surrounded by a cylindrical

Appln. No. 10/521,403  
Amendment dated March 27, 2007  
Reply to Office Action of November 27, 2006

sleeve which is provided with an interference filter. The filament section is arranged in the cylinder axis of the sleeve to ensure that infared rays which impinge on the interference filter and which are reflected back into the interior of the sleeve contact the filament section. One end of the sleeve is either supported by the lamp vessel by sealing it in a sealed end of the lamp vessel or by fixing it on the filament section.

USP 4,017,758 (Almer et al.) does not disclose all the features now recited in amended claim 1. For example, the embodiment shown in Fig. 1 of Almer et al. does not disclose a filament section arranged outside the lamp vessel axis, and the embodiment shown in Fig. 3 does not disclose a filament section arranged axially in a sleeve. Furthermore, Almer et al. do not disclose, teach or suggest that one end of the sleeve is sealed in a sealed end of the lamp vessel, nor that the sleeve is fixed on the incandescent filament. According to Almer et al., the sleeve (inner envelope 4) is supported by reflecting rings/discs 3,14 which center the sleeve 4 within the lamp vessel. Therefore, amended claim 1 is not anticipated by Almer et al.

Almer et al. do disclose that the inner envelope 4 is supported by reflecting rings which enter the inner envelope within the lamp vessel. But Almer et al. do not disclose, teach

Appln. No. 10/521,403  
Amendment dated March 27, 2007  
Reply to Office Action of November 27, 2006

or suggest that the inner sleeve is fixed on the incandescent filament, as now recited in amended claim 1.

In rejecting prior claims 7 and 8, the Examiner cited Almer et al. in view of Mason et al.

USP 3,219,868 (Mason et al.) teaches a lamp vessel made of fused silica (quartz glass) for a high-pressure discharge lamp having an electrode in the form of a helix of tungsten wire mounted on a short tungsten rod. The electrode is axially aligned in the lamp vessel. Mason et al. do not, however, disclose a filament located in the vessel.

In rejecting claims 7 and 8, the Examiner states that Almer et al. disclose all of the limitations except how the sleeve is fixed. The Examiner contends that Almer et al. show a way by which the sleeve is fixed to the vessel, and that the claimed ways to fix the sleeve to the vessel are mere alternatives. The Examiner therefore concludes that such limitations are a matter of design alternative. Applicant respectfully states that the claimed way to fix the sleeve to the incandescent filament is not strictly a matter of design choice and that such fixation has advantages. In this regard, the Examiner is respectfully directed to page 5, line 25 - page 6, line 25 and page 7, lines 1-34.

Appln. No. 10/521,403  
Amendment dated March 27, 2007  
Reply to Office Action of November 27, 2006

Based strictly on hindsight, which improperly takes into account the teachings set forth in Applicants' disclosure, the Examiner has artificially and with absolutely no support improperly combined the teachings of Almer et al. and Mason et al. to arrive at an electric incandescent lamp wherein one end of the sleeve is disposed in a sealed end of the lamp vessel and the sleeve is fixed on the incandescent filament, even though this has nothing to do with the teachings of Almer et al. and Mason et al.

The question is whether the specific combination of references and the particular way of modifying the acknowledged prior art as proposed by the Examiner would have been obvious to one of ordinary skill in the art at the time the invention was made based upon the teachings thereof. The answer must be that it would not have been obvious to one of ordinary skill in the art, because the only way such a combination and modification could have been made is by improperly utilizing hindsight based on the present disclosure. It is well settled that

to support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Ex parte Clapp, 227 USPQ 972 (BPAI 1985).

Appln. No. 10/521,403  
Amendment dated March 27, 2007  
Reply to Office Action of November 27, 2006

Since the Examiner has not presented a convincing line of reasoning as to why an artisan would have found the claimed invention to have been obvious in light of the teachings of the references, the obviousness rejection cannot be maintained.

Even further, the Examiner is respectfully advised that not only do the cited references not teach the features of the present claimed invention, there is no motivation to even combine the prior art references. The Examiner's only motivation for combining the references is that "one of ordinary skill in the art" would have recognized the possibility of modifying one prior art reference in view of the other. The Examiner is respectfully advised that the Federal Circuit held that

To prevent the use of hindsight based on the invention to defeat patentability of the invention, this Court requires the Examiner to show a motivation to combine the references that create the case of obviousness. In other words, the Examiner must now reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. In re Rouffet, 47 USPQ2d 1453 (CAFC 1998).

In In re Rouffet as with the present application, the references were in the same field of endeavor as the invention. However, the CAFC still held that since a motivation to combine

Appln. No. 10/521,403  
Amendment dated March 27, 2007  
Reply to Office Action of November 27, 2006

the references was absent (that is, "what specific understanding or technical principle. . . would have suggested the combination, for example, the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art), which is also lacking in the present application, a prima facie case of obviousness cannot be maintained without specifically stating the motivation to combine. See also, In re Dembiczak, 50 USPQ2d 1614 (CAFC 1999).

None of the other references of record close the gap between the present claimed invention as defined by claim 1 and Almer et al., taken either alone or in combination with Mason et al. or any of the other references of record.

That is, the present claimed invention as defined by amended claim 1 is patentable over Almer et al., Mason et al., and all of the other references of record because the references do not disclose, teach or suggest an electric incandescent lamp including, inter alia:

at least one incandescent filament that is arranged in the lamp vessel and has at least one filament section arranged outside the lamp vessel axis, and/or

wherein the at least one filament section is arranged axially in a transparent cylindrical sleeve which is provided in the interference filter (see claim 1, lines 4-6 and 12-14).

Appln. No. 10/521,403  
Amendment dated March 27, 2007  
Reply to Office Action of November 27, 2006

Claims 2-6 and 9-12 are either directly or indirectly dependent on claim 1 and are patentable over the cited references in view of their dependence on claim 1 and because the references do not disclose, teach or suggest each of the limitations set forth in the dependent claims.

In view of all of the foregoing, claims 1-6 and 8-12 are in form for immediate allowance, which action is earnestly solicited.

\* \* \* \* \*

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

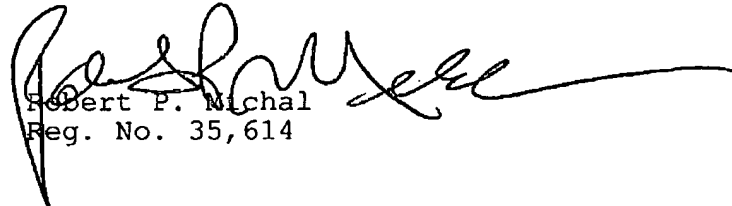
If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.



Appln. No. 10/521,403  
Amendment dated March 27, 2007  
Reply to Office Action of November 27, 2006

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



Robert P. Michal  
Reg. No. 35,614

Frishauf, Holtz, Goodman & Chick, P.C.  
220 Fifth Avenue  
New York, New York 10001-7708  
Tel. (212) 319-4900  
Fax (212) 319-5101  
RPM/ms

Encl: Petition for Extension of Time